

REMARKS

Upon entry of the claim amendments, Claims 1-15 and 17-22 will be all the claims pending in the application.

Applicant has incorporated the subject matter of Claim 16 into independent Claims 1 and 20. Claim 16 has been canceled.

Applicant has amended Claim 9 to clarify that it is intended for Claim 9 to require the polymerizable compound (B) of the infrared photosensitive composition of Claim 8 to be the ester made from an unsaturated carboxylic acid and an aliphatic polyhydric alcohol compound. Likewise, Applicant has amended Claim 10 to clarify that it is intended for Claim 10 to require the polymerizable compound (B) of the infrared photosensitive composition of Claim 8 to be the amide made from an unsaturated carboxylic acid and an aliphatic polyhydric alcohol compound.

New Claims 21 and 22 represent the combination of original Claims (1 and 14) and (20 and 14), respectively.

No new matter has been added.

Referring to Section Nos. 5-13 at pages 2-10 of the Office Action, certain claims of the application are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims of the following U.S. applications:

10/073,854 (now, U.S. Patent No. 6,838,222); 10/900,168;
10/781,645; 10/756,679; 10/738,305; 10/671,776; 10/673,332;
10/782,852; and 10/781,922.

In response, Applicant is submitting herewith a Terminal Disclaimer for the above-identified applications. The filing of the Terminal Disclaimer to obviate the double patenting rejections is not an admission of the propriety of the rejections, and raises neither a presumption nor estoppel on the merits of the rejections. MPEP §804.02. Withdrawal of the double patenting rejections is respectfully requested.

AMENDMENT

U.S. Appln. No. 10/669,696

Referring to Section No. 15 at pages 11 and 12 of the Office Action, Claims 1-15 and 17-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1 096 315 ("EP '315").

Applicant respectfully traverses the §102(b) rejection. Claim 16 was not included in the above rejection, and the subject matter of Claim 16 has been incorporated into independent Claims 1 and 20. Reconsideration and withdrawal of the §102(b) rejection is requested.

New Claims 21 and 22 are also patentable over EP '315. Specifically, EP '315 fails to specifically disclose a binder polymer having a (meth)acryloyl group as a side chain thereof. Instead, EP '315 merely generally teaches a linear organic polymer, exemplified by a (meth)acrylic resin having a benzyl group or an allyl group and a carboxyl group at a side chain, which is different from the binder polymer of Claims 21 and 22.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

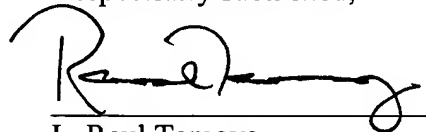
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CUSTOMER NUMBER

Respectfully submitted,



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